

Part 7

Immunity Provisions

58-31b-701 Immunity from liability.

A person licensed, registered, or certified under this chapter:

- (1) who provides emergency care in accordance with Section 78B-4-501 is entitled to the immunity from civil liability provided under that section; and
- (2) is considered a health care provider under Chapter 13, Health Care Providers Immunity from Liability Act, and is entitled to the immunity from civil liability provided under that chapter.

Amended by Chapter 3, 2008 General Session

58-31b-702 Reporting of disciplinary action -- Immunity from liability.

- (1) A licensed health care facility or organization or a professional society of nurses in the state that takes disciplinary action against a person licensed under this chapter relating to any of the following shall report the action in writing to the division within 30 days after the action is taken:
 - (a) that person's professional acts or omissions as a licensed nurse;
 - (b) that person's nursing competence or ability to practice nursing safely; or
 - (c) that person's use of alcohol or drugs in an unlawful manner or to the extent the person is impaired in his ability to practice nursing safely.
- (2) Any person or organization furnishing information in accordance with this section is immune from liability to the extent that the information is furnished in good faith and without malice.

Amended by Chapter 50, 2005 General Session

58-31b-703 Opiate antagonist -- Exclusion from unprofessional or unlawful conduct.

- (1) As used in this section:
 - (a) "Dispense" means the same as that term is defined in Section 58-17b-102.
 - (b) "Increased risk" means the same as that term is defined in Section 26-55-102.
 - (c) "Opiate antagonist" means the same as that term is defined in Section 26-55-102.
 - (d) "Opiate-related drug overdose event" means the same as that term is defined in Section 26-55-102.
 - (e) "Prescribe" means the same as that term is defined in Section 58-17b-102.
- (2) The prescribing or dispensing of an opiate antagonist by a licensee under this chapter is not unprofessional or unlawful conduct if the licensee prescribed or dispensed the opiate antagonist:
 - (a) in a good faith effort to assist:
 - (i) an individual who is at increased risk of experiencing an opiate-related drug overdose event; or
 - (ii) a family member of, friend of, or other person, including a person described in Subsections 26-55-107(1)(a)(i)(A) through (1)(a)(i)(F), that is in a position to assist an individual who is at increased risk of experiencing an opiate-related drug overdose event; or
 - (b) to an overdose outreach provider pursuant to Subsection 26-55-104(2)(a)(iii).
- (3) The provisions of this section and Title 26, Chapter 55, Opiate Overdose Response Act, do not establish a duty or standard of care in the prescribing, dispensing, or administration of an opiate antagonist.

Amended by Chapter 202, 2016 General Session, (Coordination Clause)

Amended by Chapter 202, 2016 General Session

Amended by Chapter 207, 2016 General Session

Amended by Chapter 208, 2016 General Session